

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ROOSEVELT BRADLEY AND KAREN CLAYTON,  Plaintiffs,  v.  BOXED WATER IS BETTER, LLC,  Defendant.	Civil Action No. 1:23-cv-0168  LEAD CASE
IAN FOLEY AND JARED CHARLAP,  Plaintiffs,  v.  WAXMAN SALES, LLC DBA BIRDROCK HOME,  Defendant.	Civil Action No. 2:23-cv-1063  MEMBER CASE

**NOTICE OF DISMISSAL PURSUANT TO RULE 41(a)(1)**

1.      Whereas Plaintiffs Ian Foley and Jared Charlap filed the above-referenced case against Defendant Waxman Sales, LLC dba Birdrock Home on June 13, 2023.

2.      Whereas Defendant has not yet answered Plaintiffs' Complaint, and thus dismissal is appropriate without Court order, pursuant to F.R.C.P. Rule 41(a)(1)(A)(i).

3.      Accordingly, pursuant to F.R.C.P. Rule 41(a)(1)(A)(i), Plaintiffs hereby dismiss their Complaint with prejudice.

Dated: February 15, 2024

Respectfully Submitted,

/s/ Benjamin J. Sweet

Benjamin J. Sweet

**Nye, Stirling, Hale, Miller & Sweet, LLP**

1145 Bower Hill Road, Suite 104

Pittsburgh, PA 15243

*Attorneys for Plaintiffs*

**CERTIFICATE OF SERVICE**

I certify that on the 15<sup>th</sup> day of February, 2024, the foregoing document was electronically filed through the Court's CM/ECF system, which will send notification of such filing to all counsel of record, and I also certify that I am providing a copy to those parties not receiving CM/ECF notifications at this time.

/s/ Benjamin J. Sweet

Benjamin J. Sweet